

BILL NO. G-94-12-12 (AS AMENDED)

GENERAL ORDINANCE NO. G- 05-95

AN ORDINANCE PROHIBITING THE
INCLUSION OF EMPLOYEES OF BOTH THE
CIVIL CITY AND CITY UTILITIES IN
THE SAME "BARGAINING UNIT" FOR
COLLECTIVE BARGAINING.

WHEREAS, the City's collective bargaining ordinance defines an "appropriate bargaining unit" as "a group of employees experiencing a commonality of work and job function; and

WHEREAS, certain current collective bargaining agreements cover employees of both the Civil City and City Utilities; and

WHEREAS, the Civil City and City Utilities are funded from different and independent revenue streams;

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 20.16(b) of the Fort Wayne City Code is hereby amended to read as follows:

- Amendment Passed*
- (b) Rights of employees: City employees shall have the right to bargain collectively with and to be represented by such labor organization or organizations as so selected by a majority of city employees in an appropriate bargaining unit. "Appropriate bargaining unit" shall be defined, for purposes herein, as a group of employees experiencing commonality of work and job functions. Provided, however, no bargaining unit shall contain employees of both the civil city and city utilities. A bargaining agent may represent employees of both the civil city and city utilities, but separate agreements must be negotiated for each group.

- (c) Union contracts negotiated after the effective date of this Ordinance may include a provision granting employees with seniority rights within that union, as of the effective date of this Ordinance, the ability to exercise those seniority rights over employees of other departments represented by that same union, even though the department may be covered by a different contract negotiated by the City/City Utilities and that union. *will*

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and shall apply to all agreements entered into after its effective date.

Clitus R. Edmonds
Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
City Attorney

Read the first time in full and on motion by Jim Jantz, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 12-13-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Pammi, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>5</u>	<u>3</u>		<u>1</u>
BRADBURY		<u>✓</u>		
EDMONDS				<u>✓</u>
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY		<u>✓</u>		
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO		<u>✓</u>		

DATED: 2-14-95

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 95-05-95 on the 14th day of February, 1995

ATTEST: (SEAL)
Sandra E. Kennedy Don J. Schmitter
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of February, 1995, at the hour of 11:45 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of February, 1995, at the hour of 8:00 o'clock A. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

~~Gold~~
Tith 4 Tith
Tith 4 Tith

CLETUS R. EDMONDS - REBECCA J. RAVINE - CO-CHAIR
ALL COUNCIL MEMBERS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ PROHIBITING THE
INCLUSION OF EMPLOYEES OF BOTH THE CIVIL CITY AND CITY UTILITIES
IN THE SAME "BARGAINING UNIT" FOR COLLECTIVE BARGAINING

[illegible]

Sandra E. Kennedy
City Clerk

BILL NO. G-94-12-12

*Moved
to Common
of Wholes*

REPORT OF THE COMMITTEE ON
REGULATIONS

REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

*Held last Tues
tell 12-27-94
As Amended in Jan
(attached)*

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) prohibiting the inclusion
of employees of both the Civil City and City Utilities in the same
"Bargaining Unit" for collective bargaining

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Signature]

DATED:

Sandra E. Kennedy
City Clerk

AN ORDINANCE PROHIBITING THE
INCLUSION OF EMPLOYEES OF BOTH
THE CIVIL CITY AND CITY
UTILITIES IN THE SAME
"BARGAINING UNIT" FOR
COLLECTIVE BARGAINING

WHEREAS, the City's collective bargaining ordinance defines an "appropriate bargaining unit" as "a group of employees experiencing a commonality of work and job function; and

WHEREAS, certain current collective bargaining agreements cover employees of both the Civil City and City Utilities; and

WHEREAS, the Civil City and City Utilities are funded from different and independent revenue streams;

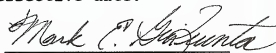
NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 20.16(b) of the Fort Wayne City Code is hereby amended to read as follows:

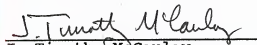
(b) Rights of employees: City employees shall have the right to bargain collectively with and to be represented by such labor organization or organizations as so selected by a majority of city employees in an appropriate bargaining unit. "Appropriate bargaining unit" shall be defined, for purposes herein, as a group of employees experiencing commonality of work and job functions. Provided, however, no bargaining unit shall contain employees of both the civil city and city utilities. A bargaining agent may represent employees of both the civil city and city utilities, but separate agreements must be negotiated for each group.

Janet G. Bradbury

1 **SECTION 2.** That this Ordinance shall be in full
2 force and effect from and after its passage and any and all
3 necessary approval by the Mayor and shall apply to all
4 agreements entered into after its effective date.

5 
6 Council Member

7 APPROVED AS TO FORM
8 AND LEGALITY

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10 J. Timothy McCaulay
11 City Attorney
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The City of Fort Wayne

Paul Helmke, Mayor

Department of Human Resources
Room 380

MEMORANDUM

TO: Members of the City Council

FROM: Nelson Peters, Director of Human Resources

DATE: December 13, 1994

SUBJECT: Prohibition Against Including Employees in the Same Bargaining unit in Both Civil City and City Utilities

*6-94-12+12
(as amended)*

Attached is an ordinance which prohibits the inclusion of employees of both the Civil City and City Utilities under the same bargaining unit contract for collective bargaining.

Recommendation #4 from the City Utilities Citizens Advisory Committee report to Council on November 29 stated that the City should "Develop separate contracts for employees working for the City and for the Division of Utilities." The attached ordinance would implement this recommendation, and provide for separate bargaining agreements for the Civil City and City Utilities. It should be noted that the ordinance in no way limits or changes the opportunity for employees to engage in collective bargaining, or to be represented by the same bargaining unit entity. It does provide that there would have to be separate contracts.

Regardless of whether the City may choose to seek out privatization alternatives, we believe this amendment is in the best interest of the City. Negotiating the same working conditions for two sets of employees has become impractical, and the distinct funding mechanisms of the Civil City and City Utilities should provide a better negotiating format for the City and bargaining units.

I thank you for your consideration of this ordinance, and look forward to your favorable response to this matter. Should you have any questions regarding this issue, please don't hesitate to call me at 427-1180.

NP/GP/gb

Attachment

DIGEST SHEET

TITLE OF ORDINANCE: General Ordinance

DEPARTMENT REQUESTING ORDINANCE: Mayor's Office

SYNOPSIS OF ORDINANCE:

Prohibits City and City Utilities employees from being in same bargaining unit for collective bargaining purposes.

EFFECT OF PASSAGE: Prohibition will apply.

EFFECT OF NON-PASSAGE: Prohibition will not apply.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): _____

Potential savings because agreements will be based on the applicable, available revenue stream.

ASSIGNED TO COMMITTEE (PRESIDENT) _____